

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ALDO VERA, JR., as Personal :  
Representative of the Estate of Aldo Vera, :  
Sr., :  
:

Plaintiff, :

v. :

THE REPUBLIC OF CUBA :

Defendant. :  
:  
:  
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12 Civ. 1596 (AKH)

**ORAL ARGUMENT REQUESTED**

**NOTICE OF CROSS-MOTION FOR A STAY**

PLEASE TAKE NOTICE that upon the annexed Declaration of James L. Kerr dated March 11, 2013, and the exhibits attached thereto, the accompanying Memorandum of Law in Opposition to Plaintiff's Motion for Turnover and in Support of Intesa Sanpaolo S.p.A.'s Cross-Motion for a Stay dated March 11, 2013, and all other papers and proceedings herein, Intesa Sanpaolo S.p.A. will move the Honorable Alvin K. Hellerstein, United States District Judge, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York, at a date and time to be determined by the Court, for an Order:

- (a) staying any turnover proceedings by the plaintiff against Intesa Sanpaolo S.p.A. pending a determination of directly relevant and dispositive issues that are *sub judice* before the United States Court of Appeals for the Second Circuit pursuant to the Court's inherent authority to stay litigation;

(b) granting such other and further relief as the Court may deem just and proper, including, without limitation and as appropriate, a denial of the motion without prejudice if on procedural grounds and with prejudice if on the merits.

Dated: March 11, 2013  
New York, New York

DAVIS POLK & WARDWELL LLP

By: 

James L. Kerr

450 Lexington Avenue  
New York, New York 10017  
(212) 450-4552  
*Attorneys for Intesa Sanpaolo  
S.p.A.*

To: Jeffrey E. Glen, Esq.  
Kerry A. Sheehan, Esq.  
**ANDERSON KILL & OLICK, P.C.**  
1251 Avenue of the Americas  
New York, New York 10020

Robert A. Swift, Esq.  
**KOHN, SWIFT & GRAF, P.C.**  
One South Broad Street, Suite 2100  
Philadelphia, Pennsylvania 19107